

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
an Indiana corporation, and ACE
AMERICAN INSURANCE
COMPANY, a Pennsylvania
corporation,

**NOTICE OF HEARING AND
MOTION TO BIFURCATE**

Defendants.

PLEASE TAKE NOTICE that on December 13, 2022, at 4:00 p.m. before the Honorable David T. Schultz, United States Magistrate Judge for the United States District Court for the District of Minnesota, Courtroom 9E, United States District Court, 300 South Fourth Street, Minneapolis, Minnesota 55415, that Defendants Federal Insurance Company and ACE American Insurance Company will move the Court to bifurcate trial into two phases, a liability and actual damages phase presented to the jury, and a disgorgement phase presented the Court. This motion is based on the accompanying memorandum of law, and declarations and exhibits to be filed with the Court in accordance with Local Rule 7.1 for the District of Minnesota, as well as the arguments of counsel at the time of the hearing, and all of the files, records, and proceedings herein. In accordance with the Court's guidance, this hearing will be held in-person unless the Court notifies the parties otherwise.

Dated: November 29, 2022

s/ Terrence J. Fleming

Terrence J. Fleming (#0128983)

tfleming@fredlaw.com

Leah C. Janus (#0337365)

ljanus@fredlaw.com

Christopher D. Pham (#0390165)

cpham@fredlaw.com

Ryan C. Young (#0397751)

ryoung@fredlaw.com

Panhia Vang (#399444)

pvang@fredlaw.com

Fredrikson & Byron, P.A.

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402-1425

(612) 492-7000 (tel.)

(612) 492-7077 (fax)

Leah Godesky (Admitted Pro Hac Vice)

O'Melveny & Myers LLP

Times Square Tower

7 Times Square

New York, NY 10036

(212) 326-2000

lgodesky@omm.com

*Attorneys for Federal Insurance Company
and ACE American Insurance Company*